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Ann Janette Cortez

**UNITED STATES DISTRICT COURT**  
**FOR THE CENTRAL DISTRICT OF CALIFORNIA**

ANN JANETTE CORTEZ,  
individually and as Successor in  
Interest of SANTINO CESAR  
TREVINO,

Plaintiff,

v.

CITY OF LOS ANGELES, an entity,  
NESTOR ESCOBAR; ALEJANDRO  
PINEDA, individual police officers  
with CITY OF LOS ANGELES  
POLICE DEPARTMENT;  
and DOES 1 Through 10, Inclusive,

Defendants.

CASE NO.:

**COMPLAINT FOR DAMAGES:**

1. Deprivation Of Civil Rights (42 USC §1983);
2. Deprivation Of Civil Rights – Failure To Supervise, Train And Take Corrective Measures Causing Constitutional Violations (42 USC §1983);
3. Deprivation Of Civil Rights - *Monell* Violations (42 USC §1983);
4. Substantive Due Process (42 USC §1983);
5. Assault And Battery And Wrongful Death;
6. Negligence;
7. Bane Act Violation (California Civil Code §52.1)

**[DEMAND FOR JURY TRIAL]**

**COMPLAINT FOR DAMAGES**

COMES NOW PLAINTIFF, Ann Janette Cortez as Successor in Interest of decedent SANTINO CESAR TREVINO, individually in her Complaint against defendants CITY OF LOS ANGELES (hereinafter also referred to as, "CITY"); NESTOR ESCOBAR, ALEJANDRO PINEDA AND DOES 1 THROUGH 10, inclusive (collectively "Defendants"), allege as follows:

**PRELIMINARY STATEMENT**

1. This civil rights action seeks compensatory and punitive damages from individual police officers, from senior Los Angeles Police Department (hereinafter also referred to as, "LAPD") officials, and from the City of Los Angeles for violation of fundamental rights under the United States Constitution and state law in connection with the brutal and tragic police shooting and killing of SANTINO CESAR TREVINO on June 22, 2017.

**JURISDICTION AND VENUE**

2. PLAINTIFF ANN CORTEZ, asserts this claims for relief arising under, and for violations of, the following laws:

- (a) Federal Civil Rights Act under 42 U.S.C. Sections 1983, 1985, 1986, and 1988;
- (b) *Monell v. Department of Social Services*;
- (c) The Fourth Amendment of the United States Constitution;
- (d) The Fourteenth Amendment of the United States Constitution;
- (e) Equal Protection Clause and Due Process Clause of the Fifth Amendment of the United States Constitution.

3. The jurisdiction of this Court is, therefore, founded on Federal Question Jurisdiction pursuant to 28 U.S.C. Section 1331.

4. This is an action to redress the deprivation under color of statute, ordinance, regulation, custom or usage of rights, privileges, and immunities secured to the plaintiffs by the First, Fourth, Fifth and Fourteenth Amendments to the

1 Constitution of the United States (42 U.S.C. Section 1983) and arising under the  
2 law and statutes of the State of California.

3 5. Jurisdiction is founded upon 28 U.S.C. Sections 1331 and 1343(3) and  
4 (4), this being an action authorized by law to redress the deprivation under color of  
5 law, statute, ordinance, regulation, custom and usage of rights, privileges, and  
6 immunities secured to a plaintiff by the First, Fourth and Fourteenth Amendments  
7 to the Constitution of the United States.

8 6. This court has supplemental jurisdiction over Plaintiffs' state law  
9 claims under 28 U.S.C. Section 1367(a).

10 7. Venue is proper in this Court under 28 U.S.C. § 1391(b), because  
11 defendants reside in, and in all incidents, events, and occurrences giving rise to this  
12 action occurred in, the City of Los Angeles, California. Plaintiff herein timely and  
13 properly filed tort claims pursuant to Cal. Gov. Code § 910 et seq. on November 8,  
14 2017, and this action is timely filed within all applicable statutes of limitations.

15 **PARTIES**

16 8. Plaintiff ANN CORTEZ is the mother, successor in interest, and heir  
17 at law of SANTINO TREVINO, to the deceased. Plaintiff CORTEZ is a resident of  
18 the state of California and resided within the jurisdiction of the state of California at  
19 all times herein alleged. She brings this claim for her personally and as SANTINO  
20 TREVINO's successor in interest as applicable, pursuant to California Code of  
21 Civil Procedure §§ 377.30 and 377.60.

22 9. At all relevant times, Defendant City of Los Angeles, California, and  
23 its police department is and was a duly organized public entity and existing under  
24 the laws of the state of California. Furthermore, at all relevant times, Los Angeles  
25 Police Department, was an agency of the City of Los Angeles. Plaintiffs are  
26 informed and believe and thereon allege that Defendants CITY and LAPD were the  
27 employers of NESTOR ESCOBAR, ALEJANDRO PINEDA and Defendants  
28 DOES 1-10.

1           10. Plaintiffs are informed and believe, and thereon allege, that Defendant  
2 NESTOR ESCOBAR is, and at all times herein mentioned was, duly appointed and  
3 acting as police officer for Defendants CITY and LAPD, and was at all material  
4 times acting under color of state of law, and as employee, agent and representative  
5 of every other Defendant. Defendant NESTOR ESCOBAR was acting under color  
6 of law and within the course and scope of his employment, including but not  
7 limited to under *California Government Code* Section 815.2, 820, and 825, with  
8 Defendants CITY and LAPD on June 22, 2017, the date of the incident and  
9 Defendant CITY is legally responsible for all damages caused by the intentional  
10 and/or negligent and/or otherwise tortuous conduct of Defendant NESTOR  
11 ESCOBAR as alleged herein. Plaintiffs have timely presented a Government Claim  
12 against said defendants under California law and are timely naming them as  
13 Defendants herein and suing them for damages under Federal and California state  
14 law as alleged herein.

15           11. Plaintiffs are informed and believe, and thereon allege, that Defendant  
16 ALEJANDRO PINEDA is, and at all times herein mentioned was, duly appointed  
17 and acting as police officer for Defendants CITY and LAPD, and was at all material  
18 times acting under color of state of law, and as employee, agent and representative  
19 of every other Defendant. Defendant ALEJANDRO PINEDA was acting under  
20 color of law and within the course and scope of his employment, including but not  
21 limited to under *California Government Code* Section 815.2, 820, and 825, with  
22 Defendants CITY and LAPD on June 22, 2017, the date of the incident and  
23 Defendant CITY is legally responsible for all damages caused by the intentional  
24 and/or negligent and/or otherwise tortuous conduct of Defendant ALEJANDRO  
25 PINEDA as alleged herein. Plaintiffs have timely presented a Government Claim  
26 against said defendants under California law and are timely naming them as  
27 Defendants herein and suing them for damages under Federal and California state  
28 law as alleged herein.

1           12. At all relevant times hereto, NESTOR ESCOBAR, ALEJANDRO  
2 PINEDA and all DOE Defendants (DOES 1 through 10), and each of them, were  
3 acting within the course and scope of their employment and under color of law as  
4 officers, deputies, sergeants, captains, commanders, and/or civilian employees of  
5 the LAPD, a department and/or subdivision of Defendant CITY and at all times  
6 were acting with permission and consent of their co-Defendants. Said Defendants,  
7 and each of them, were specifically authorized by Defendant CITY and/or the  
8 LAPD to perform the duties and responsibilities of sworn police officers and/or  
9 deputies of and for the CITY, and all acts hereinafter complained of were  
10 performed by them within the course and scope of their duties as police officers,  
11 deputies, and officials for said Defendant, and its police department, and are herein  
12 sued in their individual capacities and in their official capacities as police officers,  
13 deputies, sergeants, captain, commanders, supervisors, policy makers and/or as  
14 other employees of Defendant CITY and LAPD. Said Defendants, and each of  
15 them, at all times relevant hereto, were acting under color of law, under the color of  
16 the statutes, ordinances, regulation, policies, customs, practices and usages of  
17 Defendant CITY, and/or the LAPD.

18           13. Defendant CITY and the LAPD encouraged, assisted, ratified and/or  
19 with deliberate indifference failed to prevent all of the herein acts and omissions of  
20 Defendants, and each of them,

21           14. At all relevant times herein, Defendants DOES 1-10 were supervisors,  
22 employees and/or policy makers for Defendants CITY, which employed unlawful,  
23 organized and illegal customs and practices of use of unreasonable and/or excessive  
24 force and false arrests which lacked probable cause. Said misconduct was  
25 encouraged, tolerated and condoned by Defendants, and each of them.

26           15. At all relevant times to the present complaint, Defendants DOES 1-10,  
27 inclusive, were acting within their capacity as employees, agents, representatives  
28 and servants of Defendant CITY which is liable under the doctrine of *respondeat*

1 *superior*, pursuant to Sections 815.2, 820 and 825 of the *California Government*  
2 *Code*, et al.

3 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

4 16. On or about June 22, 2017, at approximately 11:00 P.M., Decedent  
5 SANTINO TREVINO was in the comfort of his own home at 7200 Hillside  
6 Avenue in Los Angeles, California.

7 17. Upon information and belief, TREVINO's roommate was battered and  
8 law enforcement was called. As a result, Los Angeles Police Officers responded to  
9 TREVINO's home to investigate the battery.

10 18. Once Los Angeles Police Department officers responded to the battery  
11 radio call, the battery victim advised officers that TREVINO was his roommate.

12 19. LAPD officers proceeding to enter the apartment complex and go to  
13 the fourth floor where TREVINO was located. While standing by the front door of  
14 the apartment, LAPD officers observed TREVINO inside the apartment.

15 20. Upon information and belief, LAPD officers began shooting at  
16 TREVINO while they were still standing by the front door. In order to avoid being  
17 struck by gunfire, TREVINO retreated to a balcony in the apartment. The balcony  
18 was facing the street.

19 21. Upon information and belief, additional officers responded to the  
20 scene who observed TREVINO on the balcony from the street. Upon information  
21 and belief, TREVINO was holding an object in his hand. Thereafter, TREVINO  
22 was shot at by LAPD officers again.

23 22. Plaintiff is informed, believes and thereupon alleges that TREVINO  
24 was struck by gunfire and fell to the floor of the balcony. TREVINO was then  
25 handcuffed. Los Angeles City Fire Department Paramedics responded to the scene  
26 and pronounced TREVINO deceased at the scene.

27 23. Defendants PINEDA, ESCOBAR, and DOE OFFICERS, and each of  
28 them, discharged their firearms recklessly, intentionally, tortuously and/or, in the

1 alternative, negligently, with the intent to kill and/or commit serious bodily injury  
2 upon SANTINO TREVINO and to violate his civil rights.

3 24. At the time that SANTINO TREVINO was shot, he had not committed  
4 any crimes in the presence of the Defendants, and said Defendants lacked probable  
5 cause to make an arrest of his persons, or to use deadly force against decedent  
6 TREVINO.

7 25. Furthermore, at the time of the subject shooting, decedent TREVINO  
8 presented no threat of serious bodily harm or death to anyone that would justify the  
9 use of lethal deadly force. Defendants used unreasonable and/or excessive deadly  
10 force in shooting at decedent TREVINO.

11 26. As a direct and proximate result of the aforementioned acts of  
12 Defendants PINEDA, ESCOBAR, and DOE OFFICERS, and each of them,  
13 SANTINO TREVINO suffered the following injuries and damages which are  
14 recoverable by Plaintiffs under the Federal Civil Rights statutes identified herein:

- 15 (a) Violation of his constitutional rights under the Fourth, Fifth and  
16 Fourteenth Amendments to the United States Constitution to be free  
17 from unreasonable search and seizure of his person and denial of  
18 Equal Protection and Due Process of Law;
- 19 (b) Conscious physical pain, suffering, and emotional trauma;
- 20 (c) Medical bills and expenses and future medical care costs and  
21 expenses;
- 22 (d) Loss of income and lost earning capacity;
- 23 (e) Attorneys' fees and costs pursuant to 42 U.S.C. Section 1988.

24 **FIRST CLAIM FOR RELIEF**

25 **DEPRIVATION OF CIVIL RIGHTS UNREASONABLE SEARCH AND**  
26 **SEIZURE – EXCESSIVE FORCE (42 U.S.C. § 1983);**

27 **(Against Defendant Officer NESTOR ESCOBAR,**  
28 **ALENJANDRO PINEDA and DOES 1 THROUGH 10, inclusive)**



1           27. Plaintiff repeats and re-alleges each and every allegation in paragraphs  
2 1 through 26 of this Complaint with the same force and effect as if fully set forth  
3 herein.

4           28. The unjustified shooting of decedent by NESTOR ESCOBAR,  
5 ALENJANDRO PINEDA and other unknown Doe Officers deprived decedent of  
6 his rights, privileges, and immunities secured by the Constitution and laws of the  
7 United States, including those secured by the Fourth and Fourteenth Amendments  
8 to the Constitutions by among other acts, subjecting decedent SANTINO  
9 TREVINO to excessive force and deadly force where no force was justified.

10           29. SANTINO TREVINO's death was a direct and proximate result of the  
11 aforementioned violation of rights conferred by the United States Constitutions and  
12 the wrongful acts and omissions perpetrated by Defendants while acting under the  
13 color of law and pursuant to customs, policies, and/or procedures in violations of 42  
14 U.S.C. § 1983.

15           30. This use of deadly force was excessive and unreasonable under the  
16 circumstances. Defendant's actions thus deprived DECEDENT TREVINO of his  
17 right to be free from unreasonable searches and seizures under the Fourth  
18 Amendment and applied to state actors by the Fourteenth Amendment. Plaintiff has  
19 also been deprived of the life-long love, companionship, comfort, support, society,  
20 care and sustenance of decedent, and will continue to be so deprived for the  
21 remainder of her natural life.

22           31. The conduct of Defendants Officers ESCOBAR, PINEDA, and DOES  
23 1 THROUGH 10, inclusive was willful, wanton, malicious, and done with reckless  
24 disregard for the rights and safety of decedent and therefore warrants the imposition  
25 of exemplary and punitive damages as to Defendants Officer ESCOBAR, PINEDA  
26 and DOES 1 THROUGH 10, inclusive.

27 ///

28 ///



**SECOND CLAIM FOR RELIEF**

**DEPRIVATION OF CIVIL RIGHTS – FAILURE TO SUPERVISE, TRAIN  
AND TAKE CORRECTIVE MEASURES CAUSING  
CONSTITUTIONAL VIOLATIONS – (42 USC §1983);  
(Against Defendants NESTOR ESCOBAR,  
ALENJANDRO PINEDA and DOES 1-10)**

32. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1 through 31 of this Complaint with the same force and effect as if fully set forth herein.

33. Plaintiff is informed and believes, and thereon alleges, Defendants DOES 1-10 knew, or in the exercise of reasonable care should have known, of a history and propensity and pattern, prior to and after the time of the use of excessive force against SANTINO TREVINO by officers of the Los Angeles Police Department including but not limited to NESTOR ESCOBAR, ALEJANDRO PINEDA, and DOES 1-10, to use excessive force and unreasonable police tactics which lead to the unnecessary and unreasonable uses of excessive force, or use unreasonable, out of policy or unconstitutional police tactics to investigate police use of force incidents.

34. Defendants NESTOR ESCOBAR, ALEJANDRO PINEDA, and DOES 1-10 knew, or in the exercise of reasonable care should have known, that Los Angeles Police Department officers have been involved in a high rate of officer-involved shootings in comparison to other police department in recent years.

35. Notwithstanding this information and history of Los Angeles Police Department officers, including but not limited to DOES 1-10, the Los Angeles Police Department failed to train, supervise or discipline officers who used excessive force, used unreasonable police tactics leading to the unnecessary and unreasonable use of excessive force, used unreasonable and out of policy unconstitutional police tactics to investigate police use of force incidents, or the

1 police department officers were the subject of prior complaint of allegations of  
2 similar conduct and those who had been the subject of allegations in federal and  
3 state courts to have violated constitutional rights of others in the course and scope  
4 under color of law of their capacities as police officers of the Los Angeles Police  
5 Department.

6 36. Defendants NESTOR ESCOBAR, ALEJANDRO PINEDA, and  
7 DOES 1-10 disregard of this knowledge or failure to adequately investigate and  
8 discover this pattern, custom or practice of unconstitutional violations, or existence  
9 of facts which creates the potential of unconstitutional acts, violated their duty to  
10 supervise, train and instruct their subordinate to prevent similar acts to other person  
11 as a result Plaintiff was harmed in the manner threatened by the pattern, custom, or  
12 practice.

13 37. Defendants DOES 1-10 custom, practice, and policy resulted in their  
14 failure to take steps to properly train, supervise, investigate or instruct Defendants  
15 NESTOR ESCOBAR, ALEJANDRO PINEDA, and DOES 1-10 on the use of  
16 excessive force, and this was the moving force in the use of excessive force upon  
17 SANTINO TREVINO.

18 38. As a legal result of the conduct of Defendants, as described above,  
19 Plaintiff was damaged as alleged herein and as set forth above.

20 **THIRD CLAIM FOR RELIEF**

21 **DEPRIVATION OF CIVIL RIGHTS – 42 USC §1983 - *MONELL***

22 **VIOLATIONS (Against Defendant CITY)**

23 39. Plaintiff repeats and re-alleges each and every allegation in paragraphs  
24 1 through 38 of this Complaint with the same force and effect as if fully set forth  
25 herein.

26 40. The acts and omissions of all Defendants were engaged in maliciously,  
27 callously, oppressively, wantonly, recklessly and with deliberate indifference to the  
28 rights of Plaintiffs. Plaintiffs are informed and believe, and on the basis of such

1 information and belief, allege that Defendant CITY OF LOS ANGELES, through  
2 its Police Department, with deliberate indifference and reckless disregard to the  
3 safety, security and constitutional and statutory rights of SANTINO TREVINO,  
4 and all persons similarly situated, maintained, enforced, tolerated, permitted,  
5 acquiesced in, and applied policies, practices or customs and usages of, among  
6 other things:

- 7 a. Subjecting citizens to unreasonable uses of force against their person,  
8 including deadly force;
- 9 b. Selecting, retaining, and assigning officers with demonstrable propensities  
10 for excessive force, violence and other misconduct;
- 11 c. Failing to adequately train, supervise, and control officers in the field of  
12 law enforcement, including the use of force;
- 13 d. Failing to adequately discipline officers involved in misconduct;
- 14 e. Condoning and encouraging officers in the belief they can violate the  
15 rights of persons such as SANTINO TREVINO with impunity, and such  
16 conduct will not adversely affect their opportunities for promotion and  
17 other employment benefits;
- 18 f. Initiating, implementing, ratifying, maintaining, enforcing, tolerating,  
19 permitting, and acquiescing in an illegal “Use and Escalation of Force  
20 Policy” that does not adequately limit officers’ use of force to those cases  
21 in which it is required to make a lawful arrest or protect an officer or  
22 third-party from an immediate safety threat; and
- 23 g. Initiating, implementing, ratifying, maintaining, enforcing, tolerating,  
24 permitting, and acquiescing in an illegal “Use and Escalation of Force  
25 Policy” that failed to comply with the requirements of the law.

26 41. Plaintiff is informed and believes, and on the basis of such information  
27 and belief alleges, that Defendant CITY OF LOS ANGELES through its Police  
28 Department ordered, authorized, acquiesced in, tolerated, permitted or maintained

1 customs and usages permitting the other defendants herein to engage in the  
2 unlawful and unconstitutional actions, policies, practices and customs or usages set  
3 forth in the foregoing paragraph. Defendants' conduct as alleged herein constitutes  
4 a pattern of constitutional violations based either on a deliberate plan by Defendants  
5 or on Defendants' deliberate indifference, gross negligence or reckless disregard to  
6 the safety, security and rights of Plaintiff and her decedent son.

7 42. As a result of Defendants' conduct and each of their violations of  
8 Plaintiffs and SANTINO TREVINO's constitutional rights as set forth herein,  
9 Plaintiffs were damaged as alleged above.

10 **FOURTH CLAIM FOR RELIEF**

11 **SUBSTANTIVE DUE PROCESS (42 USC §1983)**

12 **(Against Defendant NESTOR ESCOBAR,**

13 **ALEJANDRO PINEDA, and DOES 1-10)**

14 43. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
15 through 42 of this Complaint with the same force and effect as if fully set forth  
16 herein.

17 44. ANN JANETTE CORTEZ had a cognizable interest under the Due  
18 Process Clause of the Fourteenth Amendment of the United States Constitution to  
19 be free from state actions that deprive her of life, liberty, or property in such a  
20 manner as to shock the conscience, including but not limited to unwarranted state  
21 interference in Plaintiff's familial relationship with her son, SANTINO TREVINO.

22 45. Decedent SANTINO TREVINO had a cognizable interest under the  
23 Due Process Clause of the Fourteenth Amendment to the United States Constitution  
24 to be free from state actions that deprive him of his right to life, liberty, or property  
25 in such a manner as to shock the conscience.

26 46. The aforementioned actions of defendants ESCOBAR, PINEDA and  
27 DOE OFFICERS, along with other undiscovered conduct, shock the conscience, in  
28 that they acted with deliberate indifference to the constitutional rights of Decedent

1 SANTINO TREVINO and Plaintiffs, and with purpose to harm unrelated to any  
2 legitimate law enforcement objective.

3 47. Defendants, ESCOBAR, PINEDA and DOE OFFICERS thus violated  
4 the substantive due process rights of Plaintiff to be free from unwarranted  
5 interference with their familial relationship with decedent SANTINO TREVINO.

6 48. As a direct and proximate cause of the acts of defendants NESTOR  
7 ESCOBAR, ALEJANDRO PINEDA, and DOE OFFICERS, SATINO TREVINO  
8 experienced severe pain and suffering and lost his life and earning capacity.  
9 Plaintiff suffered extreme and severe mental anguish and pain and has been injured  
10 in mind and body. Plaintiff has also been deprived of the life-long love,  
11 companionship, comfort, support, society, care, and sustenance of DECEDENT,  
12 and will continue to be so deprived for the remainder of her natural lives. Plaintiff  
13 is also claiming funeral and burial expenses and a loss of financial support.

14 49. The conduct of defendants ESCOBAR, PINEDA and DOE  
15 OFFICERS, was willful, wanton, malicious, and done with reckless disregard for  
16 the rights and safety of DECEDENT and Plaintiffs and therefore warrants the  
17 imposition of exemplary and punitive damages as to Defendants ESCOBAR,  
18 PINEDA and DOE OFFICERS.

19 50. Plaintiff also seeks attorneys' fees under this claim.

20 **FIFTH CLAIM FOR RELIEF**

21 **ASSAULT AND BATTERY AND WRONGFUL DEATH**

22 **(Against Defendant EDEN MEDINA and DOES 1-10)**

23 51. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
24 through 50 of this Complaint with the same force and effect as if fully set forth  
25 herein.

26 52. Defendants NESTOR ESCOBAR, ALEJANDRO PINEDA, and  
27 DOES 1-10, assaulted and battered the decedent SANTINO TREVINO, causing his  
28 death.



1 and other staff created an unreasonable risk of harm to persons such as SANTINO  
2 TREVINO.

3 57. Defendants NESTOR ESCOBAR, ALEJANDRO PINEDA, and  
4 DOES 1-10 breached their duty by using excessive and deadly force against  
5 SANTINO TREVINO.

6 58. As a direct and legal result of the aforesaid negligence, carelessness  
7 and unskillfulness of Defendants, and each of them, and as a result of their breach  
8 of duty of care to SANTINO TREVINO, he was unlawfully shot and killed.  
9 Plaintiffs have suffered damages as alleged above.

10 **SEVENTH CLAIM FOR RELIEF**

11 **VIOLATION OF BANE ACT - (CALIFORNIA CIVIL CODE §52.1)**

12 **(Against Defendants NESTOR ESCOBAR,**  
13 **ALEJANDRO PINEDA, and DOES 1-10)**

14 59. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
15 through 58 of this Complaint with the same force and effect as if fully set forth  
16 herein.

17 60. On information and belief, Defendants ESCOBAR and PINEDA while  
18 working as officers for the Los Angeles Police Department, and acting within the  
19 course and scope of their duties, specifically intended to commit acts of violence  
20 against SANTINO TREVINO, including the using unreasonable force to prevent  
21 Plaintiff from exercising his constitutional right to freely, and without  
22 governmental interference, enjoy the comfort of his own home. The United States  
23 Constitution requires a law enforcement officer to have reasonable suspicion that a  
24 crime was committed before a police officer can detain a person. In other words,  
25 without a warrant, police officers generally cannot demand that a person stop and  
26 speak with them if there is no suspicion of criminal activity. Here defendant  
27 ESCOBAR and PINEDAS' use of force, violence and intimidation to detain  
28 Plaintiff was illegal because their action violated DECEDENT's right to the Fourth



1 Amendment to the United States Constitution, which protects individuals such as  
2 TREVINO from unreasonable government searches and seizures.

3 61. When Defendants use force and deadly force, they interfered with the  
4 civil rights of TREVINO to be free from unreasonable searches and seizures, to due  
5 process, to equal protection of the laws, to medical care, to be free from state  
6 actions that shock the conscience, and to life, liberty, and property, These  
7 aforementioned actions of defendant resulted in an illegal seizure in violation of the  
8 Fourth Amendment, as there were no objective facts or circumstances present that  
9 would justify any basis for the seizure and deadly force against DECEDENT.  
10 Defendants actions also violated the California Constitution (Cal. Const., Art. 1, §  
11 13), which constitutes an unjustified seizure under California Constitution Article 1,  
12 Section 13.

13 62. On information and belief, Defendants intentionally and spitefully  
14 committed the above acts to discourage DECEDENT TREVINO from exercising  
15 his constitutional rights, to retaliate against him for invoking such rights, or to  
16 prevent him from exercising such rights, which he was fully entitled to enjoy.

17 63. The conduct of Defendants was a substantial factor in causing the  
18 harms, losses, injuries, and damages of Plaintiff and DECEDENT.

19 64. Defendant CITY is vicariously liable for the wrongful acts of  
20 Defendants ESCOBAR, PINEDA, and DOE OFFICERS pursuant to section  
21 815.2(a) of the California Government Code, which provides that a public entity is  
22 liable for the injuries caused by its employees within the scope of the employment  
23 if the employee's act would subject him or her to liability.

24 65. The conduct of Defendants ESCOBAR, PINEDA, and DOE  
25 OFFICERS was malicious, wanton, oppressive, and accomplished with a conscious  
26 disregard for the rights of DECEDENT justifying an award of exemplary and  
27 punitive damages. Plaintiff also seeks attorney's fees for this claim as allowed by  
28 California law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests entry of judgment in her favor and against Defendants as follows:

A. For compensatory damages, including both survival damages and wrongful death damages under federal and state law, in the amount to be proven at trial;

B. For loss of financial support;

C. For punitive damages against the individual defendants in an amount to be proven at trial;

D. For interest;

E. For reasonable costs of this suit and attorneys' fees, including pursuant to 42 U.S.C. § 1988; and;

F. For such further other relief as the Court may deem just, proper, and appropriate.

Respectfully Submitted,

Dated: April 17, 2018

**GUIZAR, HENDERSON & CARRAZCO, LLP**

By /s/  
HUMBERTO GUIZAR  
KENT M. HENDERSON  
ANGEL CARRAZCO, Jr.  
ATTORNEY FOR PLAINTIFFS

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demand a trial by jury.

DATED: April 17, 2018 **GUIZAR, HENDERSON & CARRAZCO, L.L.P.**

\_\_\_\_\_/s/\_\_\_\_\_  
HUMBERTO GUIZAR Esq.  
KENT M. HENDERSON  
ANGEL CARRAZCO, Jr.  
ATTORNEY FOR PLAINTIFFS